

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION**

PLAINTIFF

v.

CAUSE NO. 1:11CV355-LG-JMR

**LHC GROUP INC., d/b/a GULF COAST
HOMECARE**

DEFENDANT

**ORDER GRANTING MOTION TO STRIKE AND
DENYING MOTION TO AMEND/CORRECT RESPONSE**

BEFORE THE COURT are: 1) Defendant's Motion [229] to Strike Memorandum in Opposition to Motion as to Pages 41-52; and 2) Plaintiff's Motion [230] to Amend/Correct Response to Motion for Summary Judgment. Both Motions address Plaintiff's inclusion of ten additional pages of argument with its response to Defendant's summary judgment motion. The Court finds that Plaintiff may not exceed the page limitations of the Local Rules by filing additional argument as an exhibit to its response or as an appendix to its memorandum brief.

DISCUSSION

Local Rule 7(b)(5) imposes a thirty-five page limitation on memorandum briefs filed in conjunction with motions and responses. Plaintiff EEOC sought and obtained an exception to this rule, and was allowed to file a forty page response brief. (*See Text Only Order*, April 10, 2013). The EEOC filed a forty page response brief, but attached an additional ten single-spaced pages of argument as an "appendix." (Pl. Resp. 41-52, ECF No. 220). The Defendant seeks to have the "appendix" stricken, while the EEOC seeks to disengage it from the memorandum and attach it

as an exhibit to its response.

The Court finds that the “appendix,” regardless of how it is designated, is improper under the Local Rules. Argument related to a motion is limited to the memorandum brief, indeed, that is the purpose of the memorandum brief. Exhibits to the motion should consist of supporting evidence, not additional argument. (*See* L.U.Civ.R. 7(b)(2)). Accordingly, pages forty-one through fifty-two of Plaintiff’s memorandum brief in response to Defendant’s summary judgment motion will be stricken from the record and disregarded by the Court. Plaintiff is denied permission to amend or correct its response to attach the “appendix” to its response rather than the memorandum.

IT IS THEREFORE ORDERED AND ADJUDGED that Defendant’s Motion [229] to Strike Memorandum in Opposition to Motion as to Pages 41-52 is **GRANTED**.

IT IS FURTHER ORDERED AND ADJUDGED that Plaintiff’s Motion [230] to Amend/Correct Response to Motion for Summary Judgment is **DENIED**.

SO ORDERED AND ADJUDGED this the 16th day of May 2013.

s\ *Louis Guirola, Jr.*
Louis Guirola, Jr.
Chief U.S. District Judge